

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MICHAEL J. BRODHEIM,

Plaintiff,

No. 2:02-cv-0573 FCD KJN P

vs.

MICHAEL CRY, et al.,

Defendants.

ORDER

Plaintiff is a state prisoner proceeding without counsel and in forma pauperis in this civil rights action filed pursuant to 42 U.S.C. § 1983. The case was remanded to this court for further proceedings following the October 28, 2009 decision, and December 18, 2009 mandate of the Ninth Circuit Court of Appeals in Brodheim v. Cry, 584 F.3d 1262 (9th Cir. 2009). The case was reassigned to the undersigned on February 9, 2010.¹

In Brodheim v. Cry, the Ninth Circuit reversed the district court's September 25, 2007 order granting summary judgment to defendants on plaintiff's retaliation claim, finding that the claim was not barred on res judicata grounds and that plaintiff had produced sufficient evidence to create a genuine issue of material fact as to each of the required elements of the claim. In addition, the appellate court affirmed this court's denial of plaintiff's motion for partial

¹ This action is referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B), Local General Order No. 262, and E.D. Cal. L.R. ("Local Rule") 302.

1 summary judgment and reinstated plaintiff's state law claims. This action proceeds against
2 defendants Michael Cry, Ana Ramirez Palmer, and J. Valdez.

3 Before scheduling trial in this action and the deadlines for filing pretrial
4 statements, the parties will be ordered to file, within fourteen days of the filing date of this order,
5 separate status reports setting forth the following information:

6 (a) Identify all federal and state claims on which this case now proceeds;

7 (b) State whether a settlement conference should be scheduled and, if so,
8 whether the parties consent to the magistrate judge presiding over such conference;

9 (c) Estimate the length of trial;

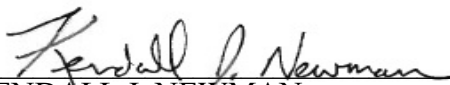
10 (d) State whether there should be any modification of standard pretrial
11 procedures, as specified by the federal and local rules, due to the relative simplicity or
12 complexity of this action;

13 (e) State whether there are any other matters that may contribute to the just and
14 expeditious disposition of this matter;

15 Upon review of the parties' status reports, the court will issue a further scheduling
16 order.

17 SO ORDERED.

18 DATED: May 17, 2010

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22 KENDALL J. NEWMAN
23 UNITED STATES MAGISTRATE JUDGE

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